IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5754 OF 2005
WITH
CRIMINAL REVISION APPLICATION NO.289 OF 2005

The State of Maharashtra. ..Applicant.

V/s.

Rajan Tulsidas Shah. ..Respondent.

Mrs.M.H.Mhatre, APP for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 7, 2005.

P.C. :

1. Heard. From the averments in the application it appears that papers were received in the office of Public Prosecutor on 17th March, 2004(incorrectly mentioned as 17th March, 2005 in paragraph-3 of the application), as were dispatched by the Law and Judiciary Department on 16th March, 2004. However, the present application has been filed on 9th August, 2005. More than one year was spent in the office of the public prosecutor. Casual explanation is offered that the concerned public prosecutor was extremely busy, being the cause for such a long delay. Even if that explanation was to be accepted, it is unfathomable that the concerned Public Prosecutor was so awfully busy that he could not draft the

Application for over one year nor cause to file the same within a reasonable time, instead allowed the matter to go by default on the ground of delay. It is possible that the delay is with purpose; for the order which is challenged in the revision application as passed by the lower court is one of granting anticipatory bail to the respondent. I am at a loss to know as to how revision application is filed against the order granting anticipatory bail which is an interlocutory order. The revision application per se was not maintainable. Be that as it may, unarguably such matters brook no delay. A priori, explanation offered by the concerned public prosecutor is plainly unacceptable. I hope and trust that Law Department will take notice of this order and take appropriate action against the concerned public prosecutor or any other person responsible therefor-as such inaction in the office of the public prosecutor do not augur well with the stated obligations of the public prosecutor.

3. Copy of this order be forwarded to the Secretary, Law Department to take appropriate action against all concerned. It is expected that compliance report is submitted before this court in eight weeks from today.

4. As mentioned earlier, the revision application seeks to challenge the order of anticipatory bail dated January 23, 2004. At this distance of time, I see no propriety in interfering with that order.

5. Accordingly, the delay application is dismissed. As a consequence, the revision application does not survive for consideration. Ordered accordingly.